

EXHIBIT 6

Utah State University employees failed to report what they knew about football player's alleged sexual misconduct, internal investigation found

New information has been released to settle a lawsuit over records related to sex-assault allegations against former football player Torrey Green.



(Leah Hogsten | Tribune file photo) Old Main Building at Utah State University

By Jessica Miller Schreifels | Aug. 24, 2018, 6:57 a.m. | Updated: 12:37 p.m.

 Comment

Multiple employees at Utah State University who were required to report when they learned of possible sexual misconduct instead failed to act, according to a 2016 internal investigation launched [after several female students said they were sexually assaulted by the same football player](#).

USU attorney Mica McKinney was [tasked with learning what the university had known](#) about allegations against linebacker Torrey Green and how the school handled the information. She found there was confusion across campus about which offices were responsible for responding to reports of sexual misconduct, a problem compounded by the school's "siloed" approach — which meant employees had poor or irregular communication when it came to how to investigate reports, discipline students or provide advocacy for victims.

The release of her findings on Thursday was the first time USU has disclosed what specific shortcomings led to changes in how it handles reports of sexual misconduct. The release was part of a settlement in a lawsuit that USU filed against The Salt Lake Tribune last year [seeking to block the release of records](#).

[USU update after Torrey Green investigation](#) on Scribd

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USU President Noelle Cockett said in a statement that the university wanted to bring closure to the issue and focus instead on "putting our time and energy into the important work of sexual violence prevention."

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“USU does not tolerate sexual violence in our campus community,” Cockett said. “Since the summer of 2016, USU has begun a dramatic shift in our campus culture and how we approach sexual assault.”

Tribune editor Jennifer Napier-Pearce said Thursday that the newspaper is pleased that USU released summary documents that “provide more insight into how its response to sexual violence was falling short and how its work to improve its response is now progressing.”

“As we’ve seen with the Torrey Green case and [recent abuse allegations in the piano department](#),” she said, “this kind of transparency is so important to our entire community.”

The Tribune had sought a number of documents created by McKinney. The university in 2016 [issued a news release briefly overviewing eight recommendations for change](#) — but did not detail any university missteps or gaps that led to the conclusions.

When former Tribune reporter Alex Stuckey sought documents McKinney had prepared, USU officials denied her requests. They argued the documents were “attorney work product” and were therefore protected as attorney-client communications.

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Stuckey [prevailed before the state records committee](#), which ordered some of the documents to be released. But USU sued last March, [asking a judge to overturn the committee’s ruling](#).

Thursday's release of new information was part of a settlement reached between The Tribune and the university. The school also agreed to pay \$25,000 of the newspaper's legal fees, according to a settlement agreement. The parties will now ask a judge to dismiss the case.

A summary released Thursday explains specific problems that McKinney found, her recommendations and the status of those changes. The school's attorney gleaned information from interviews with 18 USU employees, according to the documents, but she did not interview any alleged rape victims or students about their experiences.

The report says the university now coordinates responsibility for sexual assault prevention and response, which included more oversight with the formation of a sexual violence task force. And employees have since received sexual harassment training with a focus on how and where to report incidents of sexual misconduct.

McKinney also found that there was poor communication between local law enforcement agencies and the university, which led to the school failing to learn about reported assaults involving its students.

Now, campus police are on the same case management system as other area police agencies, according to the report. The university's new police chief and captain have also worked to "build strong relationships" with local law enforcement.

Logan Police Chief Gary Jensen said USU police taking part in this shared network — which also includes information from police dispatchers and jail records — leads to a better ability to help victims.

Multiple women, including USU students, had reported to Logan police in 2015 that Green had assaulted them. But asked in a records request for any communication

from the department to school officials about Green, the agency said none existed.

As far as whether something like what happened in Green's case could happen again, Jensen said he's not ready to say never — but he's seen progress.

"Are we better than we were six months ago? 12 months ago? 18 months ago?" he said. "Heavens yes."



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There's been a cultural shift, he said, and now law enforcement and advocates are "hyper vigilant" about finding ways to improve their interactions with victims.

For instance, Jensen said his officers have been working with the university to teach students about resources available if they are assaulted, as well as educational programs that focus on reducing the chance of being assaulted.

University officials added in a Thursday statement that the school has changed how information about sexual misconduct is addressed, particularly if it is reported anonymously or third-hand. A risk assessment is also completed now when a victim requests confidentiality, which weighs campus and individual safety against the request for secrecy or no university action.

USU also offered "Upstander" training to teach students how to intervene to help others, requires students to take online sexual assault prevention training and surveyed students to better understand their experiences.

"The impacts of sexual misconduct are not limited to those directly involved, and one incident can reverberate through the lives of students and threaten academics and future careers," the statement reads. "Our campus is becoming a community of Upstanders, who stand up to prevent harm to others in the Aggie family."

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“But when an individual makes a choice that violates USU policy and harms another, USU will respond appropriately, signaling to everyone that USU does not tolerate misconduct.”

In July 2016, [The Tribune](#) reported that four women separately told Logan police in 2015 that they were sexually assaulted by Green. Three of the alleged victims were students and said they informed the school.

The alleged victims claim the school did not fully investigate the allegations or sanction Green. Under Title IX, a federal law that prohibits sex-based discrimination in education, schools are compelled to take immediate action regarding potential threats to student safety.



(Eli Lucero | Pool photo) Torrey Green listens as his lawyer Skye Lazaro and prosecuting attorney Spencer Walsh talk Thursday in Logan. Green will have his

seven rape cases consolidated into two trials, which will be moved to Box Elder County.

After The Tribune's initial coverage, USU launched its internal inquiry and additional alleged victims came forward. And, that October, Green was charged in 1st District Court with six counts of rape, one count of forcible sex abuse and one count of aggravated kidnapping, stemming from alleged attacks on seven women — at least five of whom were USU students. [Green's criminal case is still pending.](#)

In 2016, USU promised to strengthen its Title IX enforcement and its handling of sexual assault complaints, in response to the multiple rape allegations against Green. The [2016 news release](#) stated that while no one at USU covered up university wrongdoing or discouraged any victims from reporting a sexual assault, several changes would be made.



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The university vowed again this year to make more changes after it came under fire for its handling of harassment reports, after several former students alleged [systemic sexual violence and harassment within its music program](#) — including a report that a piano faculty instructor raped a student in 2009.

USU hired Salt Lake City attorney Alan Sullivan, whose firm interviewed 60 current and former students, faculty and other employees, and reviewed hundreds of university records. Sullivan concluded the head piano teacher, Gary Amano, had committed or facilitated extensive abuses — and that multiple university administrators knew this but did nothing. (Amano retired in April, a day before Sullivan's blistering findings were made public.)

Cockett, who took office in 2017 and is USU's first woman president, said in April that changes were made in the music department and scrutiny will continue

campuswide. [Changes were made to the school's Title IX Office](#), including increasing staff and creating a position to oversee prevention training. The Title IX coordinator was also removed from the office two weeks after the findings were released.

Tribune reporter Paighen Harkins contributed to this story.



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